

14th March 2022
Initial Version

NOTICE TO STAKEHOLDERS

CONCERNING APPLICATION BY THE EUROPEAN UNION AVIATION SAFETY AGENCY OF THE RESTRICTIVE MEASURES TAKEN BY THE EUROPEAN UNION IN VIEW OF RUSSIA'S ATTACK ON UKRAINE

In view of the military aggression by Russia against Ukraine in February 2022, the European Union (EU) adopted a number of restrictive measures in various sectors, particularly defence, energy, aviation and finance. In particular, the following two packages of restrictive measures were adopted:

- Package no. 1 consists of Council Decision (CFSP) 2022/327, amending Council Decision 2014/512/CFSP; and Council Regulation (EU) 2022/328, amending Council Regulation (EU) No 833/2014. Both amending acts were published in the OJ L 49 of 25.02.2022 and contain a comprehensive export ban on goods and technology suited for use in aviation and the space industry, and prohibit the provision of technical assistance and other related services as regards the goods and technology subject to this prohibition.
- Package no. 2 consists of Council Decision (CFSP) 2022/335, which further amends Decision 2014/512/CFSP; and Council Regulation (EU) 2022/334, further amending Council Regulation (EU) 833/2014. These two amending acts were published in the OJ L 77 of 28.02.2022 and ban Russia's air carriers or aircraft – regardless of their State of registry - from flying into, over or out of the territory of the EU.

The purpose of this notice is to inform all interested parties in the aviation sector of the actions taken by the European Union Aviation Safety Agency (EASA) in implementation of those restrictive measures, as regards EASA applicants and certificate holders. The notice also provides further information on the impact of those restrictive measures on some of the rights and obligations of the aviation undertakings under the aviation safety rules falling under the scope Regulation (EU) 2018/1139.

This notice will be regularly updated as needed.

More detailed technical guidance will be also provided in the form of Frequently Asked Questions (FAQs) to be published on the EASA website. (<https://www.easa.europa.eu/the-agency/faqs>).

1. DESIGN CERTIFICATES, CERTIFICATES FOR ORGANISATIONS AND FLIGHT SIMULATION TRAINING DEVICES

In accordance with Article 3c (4)(a) of Regulation (EU) No 833/2014, as amended, it is prohibited to provide technical assistance or other services related to the goods and technology suited for use in aviation or the space industry,¹ whether or not originating in the Union, and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly, to any natural or legal person, entity or body in Russia or for use in Russia.

Accordingly, EASA has taken a decision to suspend all the certificates it has issued, including certificates for products, parts and appliances as well as the certificates for organisations and flight simulation training devices, where the holder of the certificate is located or residing in Russia, or otherwise subject to the sanctions.

2. PENDING AND NEW APPLICATIONS FOR EASA CERTIFICATES

In view of the restrictions described in point 1 above, EASA has also decided to put on hold, until further notice, all investigations in relation to pending certification applications from organisations and persons located or residing in Russia, or otherwise subject to the sanctions.

EASA will also not accept, in view of the restrictions described in point 1 above, until further notice, any new certification applications from organisations and persons located or residing in Russia or otherwise subject to the sanctions.

3. OPERATION BY AIRCRAFT OPERATORS OF RUSSIA INTO, WITHIN OR OUT OF THE EU

In accordance with Article 3d (1) of Council Regulation (EU) No 833/2014, as amended, it is prohibited for any aircraft operated by Russian air carriers², including as a marketing carrier in code-sharing or blocked-space arrangements, or for any Russian registered aircraft, or for any non-Russian-registered aircraft which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, to land in, take off from or overfly the territory of the Union, except in case of an emergency landing or emergency overflight.

The competent authorities of Member States may, according to Article 3d (3) of the above-mentioned Regulation, authorise an aircraft to land in, take off from, or overfly, the territory of the Union if the competent authorities have determined that such landing, take-off or overflight is required for humanitarian purposes or for any other purpose consistent with the objectives of this Regulation.

¹ As listed in Annex XI of the Regulation (EU) No 833/2014 (i.e. ‘Aircraft, spacecraft, and parts thereof).

² An air transport undertaking holding a valid Air Operator Certificate or equivalent issued by the competent authorities of Russia.

In view of the above EASA has suspended until further notice, all third country operator (TCO) authorisations it has issued under Regulation (EU) No 452/2014 to commercial air transport operators for which Russia acts as the State of the Operator.

4. LEASING OF AIRCRAFT REGISTERED IN RUSSIA OR OPERATED BY OPERATORS OF RUSSIA

In accordance with Articles 3c and 3d (1) of Council Regulation (EU) No 833/2014, as amended, aircraft operators in respect of which an EU Member State acts as the State of Operator, are prohibited from entering into wet lease, dry lease or code-sharing agreements with aircraft operators of Russia, or with respect to aircraft registered in Russia. Accordingly, such leasing agreements should not be approved by National Competent Authorities in accordance with Regulation (EU) No 965/2012.

In addition, any existing wet lease or dry lease approvals or code-sharing agreements with aircraft operators of Russia or with respect to aircraft registered in Russia should be revoked or terminated, as applicable.

5. OBLIGATIONS OF EASA TYPE CERTIFICATE HOLDERS AND OTHER DESIGN APPROVAL HOLDERS WITH RESPECT TO AIRCRAFT REGISTERED/OPERATED/DESIGNED IN RUSSIA

As indicated in point 1 above, in accordance with Article 3c (4) (a) of Regulation (EU) No 833/2014, as amended, it is prohibited to provide technical assistance or other services related to the goods and technology suited for use in aviation or the space industry,³ whether or not originating in the Union, and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly, to any natural or legal person, entity or body in Russia or for use in Russia.

In view of the above, EASA type certificate holders and other design approval holders are prohibited by those restrictive measures to provide continuing airworthiness support or any other form of technical support to aircraft registered or designed in Russia or operated by an aircraft operator in respect of which Russia acts as the State of Operator. As a special regulation (*lex specialis*) the provisions of Regulation (EU) No 833/2014 take precedence in this case over the provisions of Regulation (EU) No 748/2012. It is the responsibility of Russia as the State of Registry or State of the Operator, as the case may be, to decide on necessary actions to safeguard safety of the aircraft registered or operated in Russia.

6. OTHER IMPACTS OF THE RESTRICTIVE MEASURES ON THE HOLDERS OF THE APPROVALS AND CERTIFICATES ISSUED IN ACCORDANCE WITH REGULATION (EU) 2018/1139

It is recalled to the holders of certificates and approvals, as well as the organisations and persons who made declarations in accordance with Regulation (EU) 2018/1139, that under the EU restrictive measures, in particular Article 3c of Regulation (EU) No 833/2014, as amended, it is prohibited to:

³ As listed in Annex XI of the Regulation (EU) No 833/2014 (i.e. 'Aircraft, spacecraft, and parts thereof').

- sell, supply, transfer or export, directly or indirectly, goods and technology suited for use in aviation or the space industry⁴, whether or not originating in the Union, to any natural or legal person, entity or body in Russia or for use in Russia;
- provide any one or any combination of the following activities: overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection, in relation to the goods and technology suited for use in aviation or the space industry, directly or indirectly, to any natural or legal person, entity or body in Russia or for use in Russia;
- provide technical assistance (including training), brokering services or other services related to the goods and technology suited for use in aviation or the space industry and to the provision, manufacture, maintenance and use of those goods and technology, directly or indirectly to any natural or legal person, entity or body in Russia or for use in Russia.
- Provide to Russia any dual use goods or support their use, service or financing, as described in Article 2 of Regulation (EU) No 833/2014, as amended by Regulation (EU) 2022/328 and listed in Annex I of Regulation 2021/821. This prohibition now applies also in cases where the goods have not been declared to be for military-related use.

⁴ Idem.